

Congress of the United States
Washington, DC 20515

June 29, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Wheeler:

Congress has delegated to you authorities of critical importance to the American people, including ultimate authority over the administration of taxpayer funds for critical programs. As you are no doubt aware, that authority comes with significant obligations, including compliance with bedrock fiscal statutes like the Impoundment Control Act of 1974 (“ICA”) and the responsibility to cooperate with inquiries and investigations by the independent and nonpartisan Government Accountability Office (“GAO”).

We understand that GAO has recently contacted you for information about your agency’s approach to funding for the World Health Organization (“WHO”). President Trump’s recent statements on funding for the WHO have caused concerns that the President is once again trying to usurp the powers of Congress and raised the possibility that pressure is being put on you to violate your legal obligations and breach the public’s trust.

We write to remind you of your legal responsibility to cooperate with GAO’s inquiry. Congress, on a bipartisan basis, authorized the Comptroller General “to obtain such agency records as the Comptroller General requires to discharge the duties of the Comptroller General (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section.”¹ Under the law, each agency is required to “give the Comptroller General information the Comptroller General requires about the duties, powers, activities, organization, and financial transactions of the agency.”²

On numerous occasions, the Trump Administration has refused to cooperate with requests from GAO. In light of this history of obstruction, our Committees are on high alert for any failure by the Agency to cooperate with GAO.

We are also concerned that the Office of Management and Budget (OMB) may improperly seek to interfere with your exercise of the authorities granted to you by law or obstruct your cooperation with GAO. Over the last year, OMB has repeatedly attempted to stifle other executive agencies’ participation in constitutionally critical oversight. We have attached a letter

¹ Pub. L. No. 115-3 (2017).

² 31 U.S.C. § 716(a)(2).

we have sent to OMB Acting Director Russell Vought reminding him that OMB has no authority under the law to obstruct GAO's inquiries. We also wish to remind you that, like the authorities the law delegates to you, the responsibility to cooperate with GAO's investigation rests personally on you and your delegates in the agency.

Should your agency nonetheless become the target of another inappropriate effort by OMB to influence or impede compliance with the ICA or with GAO's requests, we encourage you to reject that inappropriate effort and report it to our committees and the relevant oversight bodies. An inappropriate, *ultra vires* direction from officials at OMB is not an excuse for you to breach your responsibilities.

We ask that you provide written confirmation by July 7, 2020 that the Agency will cooperate with all inquiries from GAO related to funding to the WHO.

As the primary Committees charged with overseeing annual funding decisions, the ICA, GAO, and oversight of the Executive Branch, we intend to continue to pay careful attention to the course your agency takes and will act accordingly in response to any attempt to circumvent the law.

Sincerely,



John A. Yarmuth
Chairman
House Committee on
the Budget



Nita M. Lowey
Chairwoman
House Committee on
Appropriations



Carolyn B. Maloney
Chairwoman
House Committee on
Oversight and Reform



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 7, 2020

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Nita M. Lowey
Chairwoman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chair:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter dated June 29, 2020, to Administrator Andrew Wheeler regarding a recent Government Accountability Office (GAO) inquiry about EPA's approach to funding of the World Health Organization (WHO).

The Agency takes seriously the responsibilities enumerated in the Impoundment Control Act and our responsibility to appropriately cooperate with inquiries and investigations by GAO.

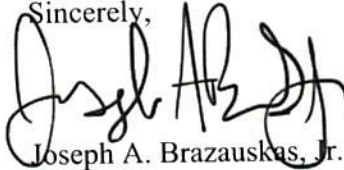
EPA will follow the long-standing Executive Branch policy of complying with Congress' legitimate oversight requests to the fullest extent consistent with the constitutional and statutory interests of the Executive Branch. These interests include the need to protect Executive Branch confidentiality, when such confidentiality is necessary to the proper functioning of the Executive, and to preserve the appropriate separation of powers between the Executive and Legislative Branches of the federal government. In implementing this policy, the Executive Branch engages in good faith negotiation with Congressional committees and GAO so that it can accommodate legitimate oversight needs, while also safeguarding the legitimate confidentiality interests of the Executive Branch.

It is troubling that the Committee would publicly allege, with no evidence, "that the Office of Management and Budget (OMB) may improperly seek to interfere with" and "obstruct" EPA's cooperation with GAO on this or any other engagement. Conversely, it is the Committee which seems to be interfering with the public's trust in proper government administration by falsely alleging a "history of obstruction" where none exists, and then applying this presupposition to the GAO's engagement with EPA. The Committees' narrative on this GAO engagement is an attempt to make it appear like "pressure" is being put on EPA "to violate its legal obligations and breach the public trust." These allegations are baseless and not an accurate reflection of any interagency cooperation in appropriately responding to Congress.

EPA will continue to act consistent with our legal obligations and interact with Congress in a manner that will ensure the public's trust, as we have throughout this Administration. EPA takes each GAO engagement seriously, and we continue to be responsive to GAO and Congressional requests. It has long been the policy of the Agency, in both Republican and Democrat Administrations, to properly utilize the accommodations process. In this respect, EPA intends for our interactions with GAO to be no different. We fully intend to cooperate appropriately with GAO on all inquiries, including this one related to EPA's approach to funding of the WHO.

The EPA recognizes the importance of the Committee's need to obtain information necessary to perform its legitimate oversight functions and is committed to continuing to work with GAO and your staff on how best to accommodate the Committee's interests. If you have further questions, you may contact me, or your staff may contact Garrett Kral in EPA's Office of Congressional and Intergovernmental Relations at Kral.Garrett@epa.gov or (202) 564-9114.

Sincerely,



Joseph A. Brazauskas, Jr.
Associate Administrator

cc: The Honorable Kay Granger, Ranking Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 7, 2020

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight
and Reform
U.S. House of Representatives
Washington, D.C. 20515

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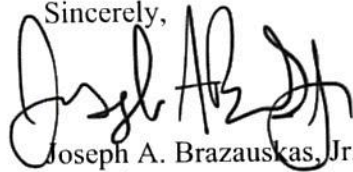
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Sincerely,

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Joseph A. Brazauskas, Jr.
Associate Administrator

cc: The Honorable James Comer, Ranking Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 7, 2020

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable John A. Yarmuth
Chairman
Committee on the Budget
U.S. House of Representatives
Washington, D.C. 20515

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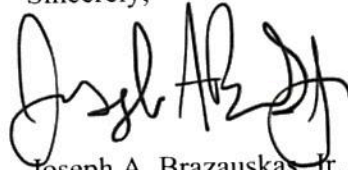
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Joseph A. Brazauskas, Jr.
Associate Administrator

cc: The Honorable Steve Womack, Ranking Republican